



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 28, 1998

Mr. Helmut (Hal) Talton
Associate General Counsel
Texas Department of Transportation
Dewitt C. Greer State Highway Bldg.
125 E. 11th Street
Austin, Texas 78701-2483

OR98-1775

Dear Mr. Talton:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 117111.

The Texas Department of Transportation (the "department") received a request for 1) a copy of the Washington driving records for a former department employee and 2) a copy of the guidelines used to establish employment eligibility related to assigning point values to traffic citations. You have provided the requestor with the information sought in item 2. You claim that the information requested in item 1 is excepted from disclosure by section 552.101 of the Government Code in conjunction with section 730.004 of the Transportation Code. We have considered the exception you claim and have reviewed the representative sample of documents at issue.¹

Section 730.004 provides that the department "may not disclose personal information about any person obtained by the [department] in connection with a motor vehicle record." "Motor vehicle record" is "a record that pertains to a motor vehicle operator's or driver's license or permit, motor vehicle registration, motor vehicle title, or identification document *issued by an agency of this state* or a local agency authorized to issue an identification document." Transp. Code § 730.003(4) (emphasis added). The submitted record which was

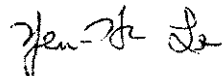
¹In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

obtained from the state of Washington is not a motor vehicle record as defined by section 730.003(4). Because the department did not obtain the former employee's personal information in connection with a motor vehicle record, section 730.004 is inapplicable and you may not withhold the information based on section 730.004.

However, the former employee's address may be excepted from public disclosure by section 552.117 of the Government Code. Section 552.117 excepts from required public disclosure the home addresses, home telephone numbers, social security numbers, or personal family member's information of public employees who request that this information be kept confidential under section 552.024. Therefore, section 552.117 requires you to withhold this information if a current or former employee or official requested that this information be kept confidential under section 552.024. *See* Open Records Decision Nos. 622 (1994), 455 (1987). You may not, however, withhold this information of a current or former employee who made the request for confidentiality under section 552.024 after this request for information was made. Whether a particular piece of information is public must be determined at the time the request for it is made. Open Records Decision No. 530 (1989) at 5.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/nc

Ref: ID# 117111

Enclosures: Submitted document

cc: Ms. Holly Meek
12000 Greenville Ave.
Dallas, Texas 75243
(w/o enclosures)